

CONGRESSIONAL RECORD

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THE CIA

The SPEAKER pro tempore (Mr. ALBERT). Under previous order of the House the gentleman from New York (Mr. HALPERN) is recognized for 20 minutes.

Mr. HALPERN. Mr. Speaker, there is a great deal of current discussion concerning the Central Intelligence Agency. Much of it has taken place in the Senate.

The real issue at hand, which has been the subject of six special congressional and executive commissions, investigations, and task forces, is the extent to which the CIA is involved in the making of our foreign policy, and the proper role of Congress in surveilling the CIA.

It is generally recognized that the United States needs an organization to collect, correlate, and interpret foreign intelligence information, in order to protect the national security, formulate foreign policy, and unify national power, purpose, and policy in this age of perpetual crisis.

There have been instances, most notably, the Bay of Pigs disaster of 1961, in which the operations of the Agency had the tendency of propelling policy, of narrowing the area of choice and decision and of closing out options to our political leaders.

With cases such as these in mind, the essential question boils down to this: "Are there sufficient checks upon the CIA to assure both efficient CIA operation and democratic government?" More specifically, in regard to the Senate debate, the question could be phrased, "Is more congressional surveillance of the CIA needed, for example, a joint congressional committee or larger committees in both Houses?"

I have no categorical or systematic answer to this question. However, I do wish to make some observations.

Most importantly, the CIA is an executive agency under the authority of the President. The CIA is not an arm of the Congress. The President is constitutionally responsible for the conduct of foreign relations. Availability to the President of intelligence is obviously an essential element in the formulation of foreign policy and the conduct of foreign affairs. Accordingly, the CIA is the President's staff organization which evaluates information obtained from departments and agencies of the Government and keeps him abreast from day to day of activities abroad affecting the national interest.

There is presently substantial supervision of the CIA, both congressional and executive. Ever since the Agency was created in 1947 by the National Security Act, seven Senators from the Armed Services Committee and the subcommittee of the Appropriations Committee handling the defense budget have constituted the group to which the Agency's Director has reported. On the House side, the Director has reported to two subcommittees of the Armed Services and Appropriations Committees. In the executive branch, both the Bureau of the Budget and the General Accounting Office regulate CIA expenditures.

The Bureau of the Budget has special review procedures and the General Accounting Office audits CIA funds. Further control is exercised by the Director and high officials of the CIA.

Congress in drafting the National Security Act of 1947 properly recognized that the CIA, to be effective, would have to be an executive agency responsible to the President. The statute, Congress gave the President the National Security Council, and the CIA which operates under the broad and undefined powers of the President. The Congress voluntarily walled itself off from detailed information.

The question of reconciling the activities of a national spy network with democratic processes is not a simple matter. Perhaps there is, philosophically at least, an inevitable conflict between the ideals of an open society and the wielding of great power on the world scene.

I have no doubt that intelligence operations are important in protecting vital security interests, depending of course upon how one interprets these interests.

I do wish to point out that an essential element of any intelligence organization is its secrecy. Its day-to-day activities must be kept from the public eye, for revelation will destroy its ability to function effectively.

To what extent the Agency should be controlled, and by whom, is a question that affects its powers intimately and may have enormous repercussions. Individuals who are concerned with civil liberties, as I am, and who have occasion to gently rap the Agency for overstepping its bounds, must be aware that they are dealing with no ordinary institution.

Having said these things, I do believe, despite the potential for irresolution on many fundamental issues, that there is a line which delineates proper conduct in foreign intelligence from improper conduct. What I mean here is that I do not wish this silent interloper to involve itself in the private lives of American citizens at home.

In this connection there are two recent cases which come to mind. I am deeply disturbed about the implications of the lawsuit of Heine against Raus. Only those aspects of the case which relate to the role of the CIA are in question here.

The facts are that Juri Raus, an employee of the Bureau of Public Roads, was hired by the Central Intelligence Agency following his election as commander of the Legion of Estonian Liberation. Because of his unique position in this emigre community, Raus was hired to develop foreign intelligence information and sources.

Now, the legion is composed of American citizens. While the association may in fact maintain various contacts abroad, largely secret, it is in essence an American organization functioning on American soil.

This is the kind of operation to which I must object. It may be true that these groups are particularly rewarding sources of foreign intelligence; similarly, the Agency is not interested in the ad-

ministrative or organizational activities of the emigre group per se, but rather in the data which the group may be in a position to furnish regarding events abroad. Hence, the CIA's motivating instinct is the collection of foreign intelligence.

However this may be, the fact is that an agent of this Agency penetrated an American organization in a clandestine effort to use its resources. I cannot believe that Mr. Raus' intentions were generally known to the legion's membership.

Raus was also ordered to warn his emigre friends about the Canadian citizen Erik Heine, who is said to be a KGB operative; unquestionably, the Agency was disturbed that the sources which the

legion had available, and which it was using, would be endangered if Heine were granted access to this information.

I strongly question the propriety of this procedure. I do not think the CIA has the authority to covertly infiltrate domestic institutions and groups which may or may not maintain contacts behind the Iron Curtain. The real or potential assistance which these groups provide in the collection of foreign intelligence matter is essentially irrelevant. Nor do I believe the security of this country is imperiled by any activity undertaken by these captive nations groups in America. If such be the case—and I am thinking of foreign spies—then I would defer to the FBI.

What business is it of the CIA if an alleged KGB agent is dispatched to spy on the operations of the Legion of Estonian Liberation? Is it the proper province of the CIA to combat his influence within this American emigre community? Certainly not. But this can be the unfortunate result if the Agency assumes the power of utilizing private, domestic concerns for its own clandestine purposes.

The second case deals with a recent article appearing in the current issue of "Foreign Affairs." This is a very influential and distinguished journal. I am told that its sway within the intellectual and leadership ranks of the nation is substantial. Among other things, it indoctrinates its potent readership in the classic anti-de Gaulle curriculum.

George A. Carver, Jr. wrote a piece entitled "The Faceless Vietcong." It is an admirable, scholarly presentation. Mr. Carver is described as a student of political theory and Asian affairs, with degrees from Yale and Oxford, former officer in the U.S. aid mission in Saigon, author of Aesthetics and the Problem of Meaning.

He is obviously well schooled. One can believe that his brief history of the Vietnam business in this journal is reputable and articulate.

What else does Mr. Carver do?

Well, he is employed by the Central Intelligence Agency. I presume that his tenure with the aid mission in Saigon was for reasons other than rendering economic assistance.

The interesting thing is that Mr. Carver, whom I have not heard of previous to this, gets top billing, although he is

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merely a student of political theory and Asian affairs. Other less important figures, such as the President of Tanzania, Mr. Nyerere; Mr. David Rockefeller; the President of Tunisia; and the Secretary of the Air Force, Mr. Eugene M. Zuckert, are relegated to less prominent positions in this roster of international heavyweights.

Of course, Mr. Carver's contribution concerns the most topical of all current affairs. Thus we may presume he has a right to the top spot.

Mr. Carver, on behalf of the U.S. Government, makes a conscious and determined effort to justify the official policy in Vietnam. I would not take exception to this procedure if Mr. Carver were, in fact, identified as an employee of my Government. But this is not the case; we are left in doubt about his present business.

Thus we have an unidentified operative of a secret intelligence society utilizing an influential forum to propagandize the American people. This seems to be a violation of what I would consider the legitimate reach of a democratic government.

I have cited these two recent developments because they point, disturbingly, toward the conclusion that our foreign intelligence mechanism is attending to associated interests on the domestic front.

Let me add, in connection with the second instance, that Congress has specifically prohibited our foreign propaganda instrument, the USIA, from turning its persuasive techniques on the American people. The reasons are self-evident.

My objection to Mr. Carver's appearance is not based on the content of his article, nor the very fact that he, as a Government employee, chose to write for Foreign Affairs. I think it is a good practice; the people must know what our higher bureaucrats are thinking about, and they have a right to know.

But I would like for these authorities to be identified. In the case of the CIA, this may be unwise, so I would suggest that it desist completely from public debate in the news and communications media.

In connection with Mr. Raus' present discomfort, we should look back upon the legislation which established the Agency. The organization was specifically denied internal security functions. The argument that the Agency may ignore the letter and spirit of this prohibition because the end in mind is to collect foreign intelligence is spurious and dangerous for the ban itself is aimed directly at the means which the Agency may employ in its pursuits.

Because the Agency is necessarily shielded from public exposure, the responsibility for proper supervision and discretion falls heavily upon the Director and senior officials. This responsibility must be exercised in a manner which does not excessively or repeatedly test the principal tenets of this free and open society.

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